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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
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9 RACHELLE DEANN MILLER,
10 Plaintiff,
11 v.
12 CAROLYN W. COLVIN, Acting
13 Commissioner of Social Security,
14 Defendant.

Case No. C15-1722-RSL-JPD

REPORT AND RECOMMENDATION

15 Plaintiff brought this action to seek judicial review of the denial of her application for
16 disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The
17 parties have stipulated that this case should be reversed and remanded for further administrative
18 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 21.

19 Based on the stipulation of the parties, the Court recommends that this case be
20 REVERSED and REMANDED for further administrative proceedings before an Administrative
21 Law Judge (“ALJ”), including a de novo hearing and a new decision. On remand, the ALJ shall
22 consider the claimant’s fibromyalgia at step two, as well as at subsequent steps of the sequential
23 evaluation process, as necessary. The step five finding should also be reevaluated, including
24 securing new vocational expert testimony.

Upon proper application, the Court will consider whether reasonable attorney's fees and costs should be awarded pursuant to 28 U.S.C. § 2412(d).

Because the parties have stipulated that the case be remanded as set forth above, the Court recommends that United States District Judge Robert S. Lasnik immediately approve this Report and Recommendation. The Clerk should note the matter for **August 1, 2016** as ready for Judge Lasnik's consideration. A proposed order accompanies this Report and Recommendation.

DATED this 1st day of August, 2016.

James P. Donohue

JAMES P. DONOHUE
Chief United States Magistrate Judge